

M12-0251

JAP:NS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

TO BE FILED UNDER SEAL

- against -

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

ROBERT DILEO,

Defendant.

(T. 18, U.S.C., §§ 2252,
2252(a)(2), and 2252(b)(1))

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EASTERN DISTRICT OF NEW YORK, SS.:

TARA MULKEARNS, being duly sworn, deposes and says that she is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

On or about September 14, 2011, within the Eastern District of New York, the defendant ROBERT DILEO ("defendant") did knowingly receive visual depictions that had been shipped or transported in or affecting interstate or foreign commerce, by any means including by computer, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct.

(Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1)).

The source of my information and the grounds for my belief are as follows:¹

1. I have been employed as a Special Agent with HSI since 2003 and am currently assigned to the New York Office, Child Exploitation Group ("CEG"). I have gained expertise in the conduct of child pornography and exploitation investigations through training in seminars and classes, daily work related to conducting these types of investigations, the execution of numerous search warrants including those relating to child pornography offenses, and through the subsequent prosecution of offenders.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

¹ Because the purpose of this complaint is merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

THE INVESTIGATION

3. On or about September 14, 2011, an HSI investigator, using investigative resources, located a computer using the New York Internet Protocol ("IP") Address 108.6.236.131 with file names that appeared to be available for sharing and that contained certain words generally known to be associated with child pornography images and videos. On or about September 22, 2011, a summons was issued to Verizon Internet Services, Inc., for account information related to IP address 108.6.236.131. Verizon Internet Services responded to the summons and identified the account using IP address 108.6.236.131 on or about September 14, 2011 as belonging to the account of the defendant, ROBERT DILEO, with a Howard Beach, New York address (the "Howard Beach address").

4. On November 1, 2011, the Honorable Andrew L. Carter, United States Magistrate Judge of the Eastern District of New York issued a search warrant for the Howard Beach address. On or about November 8, 2011, I and other law enforcement personnel executed the search warrant at the Howard Beach address. Pursuant to the search of the Howard Beach address, law enforcement personnel seized computer equipment and related items, including an HP Tower desktop computer ("HP

Tower"). The HP Tower was found on the first floor of the Howard Beach address in a room used as an office.

5. A preliminary search of the HP Tower revealed videos depicting child pornography. Examples of the videos, which are available for the Court's review, include the following:

A. "(Pthc)Pedo boy Gay P101-Mikael-Incest
Part02.avi"

This is a video that is approximately two minutes and twenty five seconds in length. It shows a prepubescent male lying face down on a bed. An adult male is penetrating the prepubescent male's anus with his erect penis. The video ends with the prepubescent male lying on his back and an adult male is penetrating the prepubescent's anus.

B. "Vicky willing bed rape pthc 11yo3.mpg"

This is a video that is approximately five minutes and seventeen seconds in length. It begins with a prepubescent female lying face down on a bed with her buttocks raised up and then lying on her back exposing herself. The prepubescent female is then on her hands and knees and an adult male is penetrating the prepubescent female's vagina and anus with his erect penis. The video ends with the prepubescent female lying on her back with the adult male penetrating the prepubescent female's vagina with his erect penis.

C. "pedololita.com (Pthc) 2011 8 yo girl with two
men.mpg"

This is a video that is approximately sixteen minutes and twenty four seconds in length. It

begins with a prepubescent female face down on a bed with her buttocks raised up. An adult male is penetrating the prepubescent female's anus and vagina with his fingers. The prepubescent female is then lying in her back being penetrated vaginally by an adult male's finger. The prepubescent female is then lying on her stomach and an adult male is penetrating the prepubescent female's vagina with his erect penis. The prepubescent female is lying on her back with two adult males, one male is sitting by the prepubescent female's head and the other adult male is penetrating the prepubescent female's vagina and anus with his erect penis. The video ends with the prepubescent female on her hand and knees being penetrated by the adult male's erect penis.

6. Videos A and B contained images of children who have been identified by the National Center for Missing and Exploited Children ("NCMEC"). Video C is a known video containing child pornography recognized within the NCMEC database, but the children in the video have not been identified. The computer file system on the seized HP Tower indicates that Video A was created on September 14, 2011; Video B was created on September 14, 2011; and Video C was created on September 14, 2011.

7. A search of the HP Tower revealed additional videos and images depicting child pornography. Limewire – a Peer to Peer file-sharing system that allows people to exchange documents and files between computers – also appeared to have been installed on the computer.

8. On or about November 8, 2011, at the time of the search of the Howard Beach address, the defendant was present and agreed to speak with me and other law enforcement personnel. The defendant stated, in substance and in part, that (1) he lived at the Howard Beach address with his mother, (2) the HP Tower belonged to him and was used only by him, (3) he had downloaded child pornography onto the HP Tower and used Limewire to do so; and (4) he knows what child pornography is and that it is illegal.

9. HSI agents showed Videos B and C to the defendant. The defendant recognized these videos and admitted that he had downloaded Videos B and C from the Internet onto the HP Tower.

WHEREFORE, your deponent respectfully requests that the Court issue an arrest warrant for the defendant ROBERT DILEO so that he may be dealt with according to law.

A handwritten signature in black ink, appearing to read 'Tara A. Mulkearns', written over a horizontal line.

TARA A. MULKEARNS
Special Agent
Homeland Security Investigations

Sworn to before me this
13th day of March, 2012

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GE